



DEPARTMENT OF THE NAVY

COMMANDING OFFICER
NAVAL AIR STATION
700 AVENGER AVENUE
LEMOORE, CALIFORNIA 93246-5001

IN REPLY REFER TO:

NASLEMINST 5820.1H

N05L

OCT 10 2001

NAS LEMOORE INSTRUCTION 5820.1H

From: Commanding Officer, Naval Air Station, Lemoore

Subj: SERVICE OF CIVILIAN AND CRIMINAL PROCESS ONBOARD
NAVAL AIR STATION LEMOORE AND DELIVERY OF PERSONNEL TO
CIVIL AUTHORITIES

Ref: (a) Chapter 6, Manual of the Judge Advocate General
(b) SECNAVINST 5820.8
(c) Article 14, UCMJ

Encl: (1) Delivery Agreement

1. Purpose. To establish procedures for: (1) serving civil and criminal process onboard Naval Air Station (NAS) Lemoore; and, (2) delivering military and civilian personnel to civil authorities.

2. Cancellation. NASLEMINST 5820.1G

3. Policy. Service of criminal and civil process upon members, civilian employees, military family members, and contractors will be permitted onboard NAS Lemoore, pursuant to references (a) and (b). Responses to requests by State or Federal agents for delivery of members, civilian employees, military family members, or contractors shall be made per references (a) and (c).

4. Procedures

a. Civil process and subpoenas

(1) In-state process. The NAS Lemoore, Staff Judge Advocate's Office is the designated location for all service of process onboard the air station. Process servers wishing to serve process from an in-state court, shall contact the Staff Judge Advocate's Office. Members will be directed by the Staff Judge Advocate's Office staff to report to the Staff

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Judge Advocate's Office. Civilians will be invited to the Staff Judge Advocate's Office. The Staff Judge Advocate's Office staff will advise the individual to seek legal counsel from the Naval Legal Service Office Detachment or from civilian counsel. If a civilian does not cooperate, the Staff Judge Advocate's Office staff will contact the Security Detachment and request that the process server be escorted to the location of the civilian. Service of in-state process must be made in person.

(2) Out-of-state process. If the process to be served is from an out-of-state court, the person named is not required to accept process. If a process server requests in-person service, the Staff Judge Advocate's Office staff will contact the individual, apprise him/her of the situation and inform him/her that he/she may either accept or refuse process. The individual will not be directed to report, nor will the process server be escorted to the individual's location. If the individual refuses service, the process server will be notified. If service of out-of-state process is request by mail and refused, the refusal shall be noted and the documents returned to the sender.

(3) Service of process arising from official duties. Service of process arising from official duties shall be made per reference (b). Questions should be referred to the Staff Judge Advocate or the Naval Legal Service Office Detachment.

b. Criminal Process

(1) Search warrants. Naval Air Station, Lemoore, will generally cooperate with civil authorities regarding service of search warrants onboard the air station, balancing the needs of the civil authorities against interference with mission accomplishment and disruption of good order and discipline. The civil authority requesting service shall contact the Staff Judge Advocate. If the Staff Judge Advocate is unavailable, the Naval Legal Service Office Detachment duty attorney should be contacted. The attorney shall review the warrant to determine whether cooperation is advisable. All searches by civil authorities will be conducted with an escort from either the Security Detachment or the Naval Criminal Investigative Service.

(2) Arrest warrants. Naval Air Station, Lemoore, will generally cooperate with civil authorities regarding service of arrest warrants onboard the air station.

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(a) Civilians. Security or Naval Criminal Investigative Service personnel shall notify the Staff Judge Advocate's Office any time civil authorities request to serve an arrest warrant on a civilian located onboard the air station. The civil authority will be notified of the individual's whereabouts and escorted to that location by either Security or Naval Criminal Investigative Service personnel.

(b) Members

1. The Staff Judge Advocate's Office shall be notified any time civil authorities request delivery of a military member located onboard the air station. If the Staff Judge Advocate is not available, the Naval Legal Service Office Detachment duty attorney shall be contacted. The Command Duty Officer should be notified during non-working hours. If the member is attached to a tenant command, the member's commanding officer shall be notified prior to delivery. The requirement to notify the member's commanding officer prior to delivery is waived if there is probable cause to believe that the member is a flight risk or likely to commit further serious misconduct. If the member's commanding officer is not notified prior to delivery, he/she should be notified immediately following delivery. A copy of the arrest warrant shall be forwarded to the interested tenant command.

2. Normally, the member will be delivered to state or local civil authorities when the command has been provided with a copy of a valid arrest warrant, a delivery agreement has been completed and signed (see enclosure (1)) and a determination has been made that military charges are not pending. Delivery will be accomplished either by ordering the member to report to the Security Detachment or by providing a Security escort for the civil authority to the member's location. A delivery agreement is not required if federal authorities are requesting delivery of a member.

3. If the requesting civil authority is from a state other than California, follow the procedures set forth in reference (a).


c. Access. Process servers shall report directly to the Staff Judge Advocate's Office or to the Security Detachment. Access to other locations on board the air station shall be limited and only authorized when accompanied by a Security escort.

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4. Scope. This instruction applies to all departments and tenant commands. Process servers caught attempting to circumvent this order shall be barred indefinitely from Naval Air Station, Lemoore.

5. Maintenance. The Staff Judge Advocate maintains this instruction.



JOHN V. STIVERS

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Lists A and C

DELIVERY AGREEMENT

In consideration of the delivery of _____,
(name of person delivered)

United States Navy (United States Marine Corps), to _____

_____, at _____, for trial

upon the charge of _____, I hereby agree

pursuant to the authority vested in me as _____

that _____, United States Navy (United States
(name of person delivered)

Marine Corps) will be transported to the State of _____

without expense to him or the United States and that the

Commanding Officer of _____ will be notified

immediately of the outcome of the trial and that the said

_____, will be returned to the _____,
(name of person delivered)

or to such place as the Secretary of the Navy shall designate,

or transportation issued thereto, without expense to the United

States or to the person delivered immediately upon dismissal of

the charges or completion of the trial in the event he is

acquitted, or immediately upon satisfying the sentence of the

court in the event he is convicted and a sentence imposed, or

upon disposition of the case, provided that the Department of

the Navy shall then desire his return.

Enclosure (1)